IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.977 OF 2004
IN
EXECUTION APPLICATION NO.1 OF 1998
IN
SUMMARY SUIT NO.1708 OF 1992
AND
SUMMARY SUIT NO.1709 OF 1992
AND
SUMMARY SUIT NO.3754 OF 1992

Ashok Thapar, etc.etc. ...Plaintiffs

Versus

M/s.Saral Enterprises & Ors. ...Defendants

And

The Court Receiver, High Court,
Mumbai. ...Respondent

.....

Mr.Kishore Jain i/b Mr.Priyadarshan Shah
for Applicants/Plaintiffs.
Mr.Ankit Bhatt i/b Mr.D.D'Mello for Defendants.

.....

CORAM: A.M.KHANWILKAR, J.

JULY 18, 2005.

P.C.

1. Counsel for the Applicants fairly states that nothing survives for consideration in terms of prayer clauses (a) to (d) and (g) and (h).

2. In other words, only prayer clause (f) will remain for consideration. Even with regard to this prayer clause, Counsel for the Applicants fairly states that the Applicants have been recently informed that the Judgment Debtor has been declared insolvent. If it is so, the Applicants will have to implead Official Assignee as party to the proceedings to seek such relief.

3. In the circumstances, Counsel for the Applicants prays that the Applicants be permitted to withdraw this Chamber Summons with liberty to file fresh Application for the relief in terms of prayer clause (f) or such other relief as may be advised.

4. Hence, dismissed as withdrawn, with liberty as prayed.

A.M.KHANWILKAR, J.